

REMARKS

Claims 21-36 were pending in the application. Applicants note that Claims 2-20 were cancelled, as indicated on the application transmittal filed June 4, 2001. Claims 21-23 and 36 have been amended. Support for the amendment to claims 21-23 and 36 can be found at page 17, line 30 and lines 36-38 of the specification. Thus, upon entry of this Amendment, claims 21-36 are pending in the application.

No new matter has been added. Applicants request that the amendments to the claims be entered. The foregoing claim amendments should in no way be construed as an acquiescence to any of the Examiner's rejections and were made solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Response to Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 21-36, drawn to a transgenic organism comprising a transgene integrated into its genome and also having a tet-operator-linked gene in the genome of the organism, wherein the organism is an animal.
- II. Claims 21-36, drawn to a transgenic organism comprising a transgene integrated into its genome and also having a tet-operator-linked gene in the genome of the organism, wherein the organism is a plant.

Applicants hereby elect the Group I invention (claims 21-36) for prosecution, without traverse.

The Examiner has also requested that Applicants elect a single species of transcriptional silencer domain. With respect to the election of a species of a silencer domain, Applicants hereby elect the species of "v-erbA."

With respect to the elected species, it is Applicants understanding that this election is for searching purposes only and upon allowance of the elected claims, the generic claims also will be searched and Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,



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